

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1686.01
COMPLAINT INVESTIGATOR: Sandie Scudder
DATE OF COMPLAINT: February 12, 2001
DATE OF REPORT: March 21, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 19, 2001

COMPLAINT ISSUES:

Whether the Northwestern School Corporation and the Kokomo Area Special Education Cooperative violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized program (IEP) as written, specifically:
 - a. failing to provide class notes for studying;
 - b. failing to provide organizational assistance;
 - c. failing to provide assistance in writing down assignments; and
 - d. failing to provide progress reports as indicated.
- 511 IAC 7-27-7(b)(2) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record regularly monitored the implementation of the student's IEP and provided progress reports to the student's parents.
- 511 IAC 7-27-3(a)(2) with regard to the school's alleged failure to include the student's teacher of record as a participant in case conference committee (CCC) meetings.

FINDINGS OF FACT:

1. The Student is 14 years old, is in the eighth grade and is eligible for special education services as a student with a Learning Disability.
2. The CCC convened on April 20, 2000, to develop the Student's IEP for the 2000-2001 school year. The IEP includes the following adaptations and modifications for instruction:
 - a. allow taping of lessons;
 - b. provide class notes to student; and
 - c. display a clear, visible list of daily assignments and homework.
3. The April 20, 2000, IEP includes an annual goal that the Student will improve "organization skills by understanding [his] current status with grades, homework." The short-term objective for this goal states: "[the student] will mail original to parents a detailed list of current grades, homework, assignments (every two weeks)." Although the "Adaptations and Modifications" page of the IEP contains a section entitled *Organizational Modifications*, none of the listed adaptations and modifications are checked.
4. The Student's teachers indicate that, although the Student may use a tape recorder in their

classes, he has not utilized this option. The Student has stated to the teacher of record that he does not believe he would benefit from using the tape recorder.

5. The Student's teachers have given the Student class notes or chapter outlines and have provided notes in class on an overhead projector. The teachers also write the class assignments on the chalkboard or agenda board, and all of the assignments are displayed collectively in the resource room where the Student participates.
6. The April 20, 2000, IEP states that progress on the goals and objectives shall be reviewed on October 20, 2000; December 20, 2000; March 10, 2001; and May 31, 2001. Each annual goal page is to be updated to indicate the Student's progress, and a copy is to be sent to the parent on the dates indicated. The annual goal pages indicate that copies of the pages were sent to the parents on October 26 and December 20, 2000. However, the parent did not receive the December progress report until January 24, 2001.
7. The CCC Reports dated April 20, 2000, and November 17, 2000, contain signatures representing the participation of the Student's teacher of record (TOR) in each of those CCC meetings. The TOR at the April CCC meeting is different from the one at the November CCC meeting. One of the TORs is licensed in the area of learning disabilities, and the other is licensed in the area of Mild Disabilities.

CONCLUSIONS:

1. Findings of Facts #2, #3, #4, and #5 indicate the modifications and accommodations included in the Student's IEP are made available to the Student, but the Student has chosen not to take advantage of all the available options. Therefore, no violation of 511 IAC 7-27-7(a) occurred with respect to implementation of modifications and adaptations. However, Finding of Fact #6 indicates that the progress report to be provided to the parents on December 20, 2000, was not provided until January 24, 2001. Therefore, the IEP was not implemented as written, and a violation of 511 IAC 7-27-7(a) is found with regard to provision of progress reports.
2. Finding of Fact #6 indicates that the teacher of record failed to provide the parents with progress reports on the dates delineated in the Student's IEP. Therefore, violations of 511 IAC 7-27-7(b)(2) and 511 IAC 7-17-72 are found.
3. Finding of Fact #7 indicates that the teachers assigned as the Student's TOR have been and are currently licensed in the area of the Student's disability. The assigned TOR attended the CCC meetings at the time assigned as the TOR. Therefore, no violation of 511 IAC 7-27-3(a)(2) occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Northwestern School Corporation and the Kokomo Area Special Education Cooperative shall send written notice to all teachers of record reminding them of the responsibility to:

- (1) regularly monitor the implementation of the IEP of each student for whom he/she is the assigned teacher of record; and
- (2) provide progress reports to parents on the dates or at the intervals described in each

student's IEP.

A copy of the written notice and an assurance statement that the notice was sent to all teachers of record shall be submitted to the Division no later than April 13, 2001.